

**FIFTY-SEVENTH DAY**

(Thursday, April 22, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President pro tempore Mauritz.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was disposed with and the Journal was approved.

**Leave of Absence Granted**

Senator Cotten was granted leave of absence for today on account of important business, on motion of Senator Stone.

**Senate Resolution 83**

Senator Vick offered the following resolution:

Whereas, The Hon. Banks Mortimer, Sergeant-at-Arms of the Senate of the State of Oregon, is within the Capitol building; and

Whereas, The Legislature of the State of Oregon has completed its duties, releasing Mr. Mortimer to visit his son who is in the service of the United States Army stationed in Florida; now, therefore, be it

Resolved, That the courtesy of the floor of the Senate be extended to the Hon. Banks Mortimer; and be it further

Resolved, That the Secretary of the Senate be instructed to give a copy of this resolution to Mr. Mortimer.

The resolution was read and was adopted.

**Senate Bill 355 on First Reading**

The following local bill was introduced, read the first time, and referred to the committee indicated:

By Senator Lane:

S. B. No. 355, A bill to be entitled "An Act amending Article 322 of the Revised Civil Statutes of Texas, as amended by the Forty-third Legislature; Special Laws, page 150, Chapter 107, by omitting the word 'Fourth' which same is the Fourth Judicial District of Rusk County, Texas, and declaring that it is the intention of this Act to affect only the Fourth District and not to affect any other District; and declaring an emergency."

To Committee on Civil Jurisprudence.

**Conference Committee on House Bill 368**

Senator Moffett called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 368.

Senator Moffett moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President pro tempore appointed the following conferees on the bill on the part of the Senate:

Senators Moffett, Metcalfe, Beck, Weinert, and Hazlewood.

**Report of Standing Committee**

Senator Weinert submitted the following report:

Austin, Texas,  
April 22, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 355, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

**Committee Substitute House Bill 5  
on Second Reading**

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C.S.H.B. No. 5, A bill to be entitled "An Act repealing certain appropriations for the support and maintenance of the Adjutant General's Department as carried in S. B. No. 423 of the Forty-seventh Legislature, approved June 30, 1941, such repealed appropriations being the balances unexpended as of January 12, 1943; etc.; and declaring an emergency."

The President pro tempore laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**Committee Substitute House Bill 5  
on Third Reading**

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

**Absent—Excused**

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—25**

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

**Absent—Excused**

Cotten	Kelley
Fain	Lemens
Formby	Spears

**House Bill 34 on Second Reading**

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 34, A bill to be entitled "An Act authorizing Courts of Record to declare rights, status and other legal relations, to enter declaratory judgments, to determine questions of construction or validity arising under a written instrument, Statute, ordinance, contract, or franchise; providing reasons for having declaration of rights by certain persons; providing right of Court to refuse to render declaratory judgment; providing for review; providing for supplemental relief; also authorizing jury trials when a proceeding for a declaratory judgment involves an issue of fact; authorizing the Court to make award of costs; providing procedure when declaratory relief is sought; providing a rule of construction; defining certain term; providing a saving clause; providing for uniformity of interpretation; providing a short title; and declaring an emergency."

The President pro tempore laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 34 on Third Reading**

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 34 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

**Absent—Excused**

Cotten	Kelley
Fain	Lemens
Formby	Spears

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—25**

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

**Absent—Excused**

Cotten	Kelley
Fain	Lemens
Formby	Spears

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 22, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

The House has concurred in Senate amendments to H. J. R. No. 8 by a vote of 113 yeas, 2 nays.

The House has concurred in Senate amendments to H. B. No. 210 by a viva voce vote.

The House has adopted the Conference Committee report on S. B. No. 44 by a vote of 107 yeas, 7 nays.

S. B. No. 268, A bill to be entitled "An Act amending S. B. No. 200; etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

**Bills and Resolutions Signed**

The President pro tempore signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. C. R. No. 27, To grant J. W. McDugald, Jr., et al, permission to sue the State.

H. C. R. No. 101, Received from the House today, was laid before the Senate, read first time, and referred to the Committee on Civil Jurisprudence.

H. C. R. No. 102, Granting temporary leaves of absence from the State to district judges.

H. C. R. No. 86, Granting Mrs. Woodie Spore permission to sue the State.

H. C. R. No. 95, Granting permission to make photographic copies of certain paintings hanging in the Capitol.

H. C. R. No. 113, Inviting His Excellency, President Franklin Delano Roosevelt, and His Excellency, Avila Comacho, President of Mexico, to address a joint session.

H. B. No. 256, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas, as amended Acts 1931,

Forty-second Legislature, Second Called Session, page 53, Chapter 32, paragraph No. 1, as amended by S. B. No. 118, Acts Regular Session, Forty-sixth Legislature, 1939, providing that no rate for school purposes shall exceed the amount required to produce a total available school fund to pay an apportionment in excess of the amount prescribed in Article 2665, Revised Civil Statutes of Texas, as amended; and declaring an emergency."

H. B. No. 257, A bill to be entitled "An Act amending Article 2665, Revised Civil Statutes of the State of Texas, Acts of the Second Called Session, 1909, page 432, as amended by S. B. No. 117, providing formulas to be used by the State Board of Education in estimating the necessary amount to operate the schools for a period of not less than six (6) months; and declaring an emergency."

H. J. R. No. 8, Proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas, by adding thereto Section 51e, providing that cities and towns in this State shall have power and authority to provide a system of retirement and disability pensions for its employees, provided, however, that no pension system shall be set up in any city until it has been approved at an election by the qualified voters entitled to vote on the question of issuance of tax supported bonds.

H. B. No. 210, A bill to be entitled "An Act providing for and regulating appropriations for moneys in the State Treasury not otherwise appropriated, to supplement local funds for the support, maintenance, operation, and improvement of the public junior colleges of Texas as named in this Act; etc.; and declaring an emergency."

#### Committee Substitute House Bill 9 on Passage to Third Reading

The President pro tempore laid before the Senate as a special order for this hour on its passage to third reading (the bill having been read second time on yesterday):

C.S.H.B. No. 9, A bill to be entitled "An Act to amend Subsection (4), Section 2, Article XX of H. B. No. 8, Chapter 184, Acts of the Forty-sev-

enth Legislature Regular Session, and all subsequent amendments thereto, providing for the allocation of funds from the Clearance Fund to the Old Age Assistance Fund, providing for the appropriation of such funds; and declaring an emergency."

With the following amendment by Senator Chadick and others pending:

Amend H. B. No. 9 by striking out "1,825,000.00" wherever it may appear and inserting in lieu thereof "2,000,000.00."

CHADICK,  
BECK,  
RAMSEY,  
AIKIN,  
LOVELADY,  
MOFFETT,  
VICK.

Senator Martin offered the following amendment to the amendment:

Amend Chadick amendment to H. B. No. 9 by striking out the words and figures "\$2,000,000.00" and place in lieu thereof the words and figures "One Million Eight Hundred and Fifty Thousand (\$1,850,000.00)."

Question first recurring on the amendment to the amendment, it was adopted.

The amendment as amended was adopted.

Question—Shall the bill be passed to third reading?

#### Joint Session

At 11:00 o'clock a. m., the President pro tempore announced that the hour fixed for a joint session of the Senate and House of Representatives to hear an address by the Honorable John Moses, Governor of the State of North Dakota had arrived, and he requested all Senators present to proceed in a body to the Hall of the House of Representatives.

The Senate was announced at the bar of the House, and the Senators were admitted and escorted to seats prepared for them along the aisle.

The President pro tempore of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's rostrum.

The Honorable John Moses, Governor of North Dakota, and Governor Coke R. Stevenson were announced at

the bar of the House and were admitted and escorted to the Speaker's stand by Senators Moore, Weinert, and Morris, on the part of the Senate, and by Representatives Allison, Roark, Leonard, Lehman, Smith of Jefferson, Halsey, and Morse, on the part of the House.

Speaker Price Daniel presented Governor Coke R. Stevenson, who in turn introduced Governor John Moses to the joint session.

Governor Moses addressed the joint session.

President pro tempore Mauritz announced the business of the joint session concluded, and requested the Senate to retire to its Chamber.

#### In the Senate

The President pro tempore called the Senate to order at 11:40 o'clock a. m.

#### Executive Session

On motion of Senator Brownlee, and by unanimous consent, the Senate went into executive session at 11:41 o'clock a. m.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following appointments had been confirmed by the Senate:

To be a Member of the Board of Directors, Texas Technological College for a term expiring February 19, 1949:

O. B. Ratliff of Spur, Dickens County.

To be District Attorney of the 110th Judicial District to fill the unexpired term of Honorable John A. Hamilton, resigned:

Richard Stovall of Floydada, Floyd County.

The President pro tempore called the Senate to order as in legislative session at 12:10 o'clock p. m.

#### Committee Substitute House Bill 9 on Passage to Third Reading

The Senate resumed consideration of the pending special order, same being C. S. H. B. No. 9, relating to allocations to the old age assistance fund, on its passage to third reading.

Senator Lovelady moved to reconsider the vote by which the amendment by Senator Chadick (and others) as amended by the amendment by Senator Martin was adopted today.

The motion to reconsider prevailed.

Senator Lovelady moved to reconsider the vote by which the amendment by Senator Martin to the amendment by Senator Chadick (and others) was adopted today.

The motion to reconsider prevailed.

Question—Shall the amendment by Senator Martin to the amendment by Senator Chadick (and others) be adopted?

Senator Lovelady moved that the bill (with pending amendments) be tabled subject to call.

Question—Shall the motion to table subject to call prevail?

#### Recess

Senator Lanning moved that the Senate adjourn until 10:00 o'clock a. m., Monday, April 26, 1943.

Senator Aikin moved that the Senate recess to 2:30 o'clock p. m. today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—10

Beck	Metcalf
Brownlee	Morris
Hazlewood	Ramsey
Lane	Weinert
Lanning	York

#### Nays—13

Aikin	Mauritz
Bullock	Moffett
Chadick	Shivers
Graves	Stone
Jones	Sulak
Lovelady	Vick
Martin	

#### Absent

Moore	Winfield
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#### Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

The motion to recess prevailed; and the Senate, accordingly, at 12:15 o'clock p. m., took recess to 2:30 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:30 o'clock p. m. and was called to order by the President pro tempore.

#### Announcement

The President pro tempore made the following announcement:

"Senator and Mrs. Winfield invite the Members of the Senate and their wives to attend the wedding of their daughter Mary at St. Mark's Church, San Antonio, Texas, Saturday April 24, 1943, at 8:00 p. m. Reception at St. Anthony Hotel following the wedding."

#### Report of Standing Committee

Senator Jones, by unanimous consent, submitted the following report:

Austin, Texas,  
April 22, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom was referred H. B. No. 622, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

JONES, Chairman.

#### House Bill 562 on Second Reading

On motion of Senator York, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 562, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to buy property or to sell or lease certain property providing that the property shall be held in the name of the State of Texas for the benefit of the Agricultural and Mechanical College of Texas providing that the Chairman of the Board of Directors may execute these conveyances in the name of the State of Texas providing that abstracts of title and/or insur-

ance may be secured; and declaring an emergency."

The President pro tempore laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 562 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 562 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	York

Absent—Excused

Cotten	Lemens
Fain	Spears
Formby	Winfield
Kelley	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	York

## Absent—Excused

Cotten	Lemens
Fain	Spears
Formby	Winfield
Kelley	

Committee Substitute House Bill 9  
on Passage to Third Reading

The Senate resumed consideration of pending business, same being C. S. H. B. No. 9, relating to allocations to the old age assistance fund, on its passage to third reading, with amendment by Senator Chadick, amendment by Senator Martin to the amendment by Senator Chadick, and motion by Senator Lovelady to table the bill subject to call pending.

Senator Lovelady withdrew the motion to table subject to call.

Question—Shall the amendment by Senator Martin to the amendment by Senator Chadick (and others) be adopted?

Senator Chadick moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—11

Aikin	Jones
Beck	Moffett
Brownlee	Ramsey
Bullock	Sulak
Chadick	York
Hazlewood	

## Nays—11

Graves	Moore
Lane	Morris
Lanning	Shivers
Martin	Stone
Mauritz	Weinert
Metcalf	

## Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

## Paired

Senator Lovelady (present), who would vote "yea" with Senator Cotten (absent), who would vote "nay."

Senator Vick (present), who would vote "yea" with Senator Winfield (absent), who would vote "nay."

Question next recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was lost by the following vote:

## Yeas—11

Graves	Moore
Lane	Morris
Lanning	Shivers
Martin	Stone
Mauritz	Weinert
Metcalf	

## Nays—11

Aikin	Jones
Beck	Moffett
Brownlee	Ramsey
Bullock	Sulak
Chadick	York
Hazlewood	

## Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

## Paired

Senator Lovelady (present), who would vote "nay" with Senator Cotten (absent), who would vote "yea."

Senator Vick (present), who would vote "nay" with Senator Winfield (absent), who would vote "yea."

Question—Shall the amendment by Senator Chadick (and others) be adopted?

Senator Metcalfe offered the following substitute for the amendment:

Amend H. B. No. 9, Section 1 by striking out all of said Section after line 35, page 1 and substitute in lieu thereof the following:

"(4) after the above allocations and payments have been made from such Clearance Fund, there shall be paid therefrom into the Old Age Assistance Fund on the first of each month an amount which, when taken with other sums paid into the said old age pension fund by virtue of other laws still in force will equal a total of One Million Nine Hundred Thousand (\$1,900,000.00) Dollars, and such sum is hereby appropriated for the use provided by law for such Old Age Assistance Fund. In the event that the amount expended for Old Age Assistance in any month is less than One Million Nine Hundred Thousand

(\$1,900,000.00) Dollars herein allocated to such fund, the amount remaining in said Old Age Assistance Fund shall be taken into consideration in allocating from the Clearance Fund to the Old Age Assistance Fund for the succeeding month or months, and the amount paid from the Clearance Fund into the Old Age Assistance Fund shall be reduced accordingly, to the end that a stationary sum of One Million Nine Hundred Thousand (\$1,900,000.00) Dollars per month will be available from State funds for Old Age Assistance, should that amount be required to meet the needs of funds for Old Age Assistance. It is further provided that in the event the total paid from all sources into the Old Age Assistance Fund, including the amount allocated to the Old Age Assistance Fund from the Clearance Fund on the first day of each month as provided above, does not amount to One Million Nine Hundred Thousand (\$1,900,000.00) Dollars, or so much thereof as may be necessary to meet the needs arising for said Old Age Assistance Fund for each month after the effective date of this Act, then, in that event, the first revenue collected and which ordinarily would be paid into the General Revenue Fund of the State of Texas, shall, after the first day of each month, be set aside, allocated, transferred, credited and appropriated to the Old Age Assistance Fund to the extent and in such sums as are necessary to provide One Million Nine Hundred Thousand (\$1,900,000.00) Dollars, or so much thereof as may be necessary, to meet the needs arising thereunder, in the Old Age Assistance Fund, for each month, beginning with the effective date of this Act."

Senator Chadick moved to table the substitute.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—11

Aikin	Moffett
Beck	Moore
Bullock	Ramsey
Chadick	Sulak
Hazlewood	York
Jones	

## Nays—11

Brownlee	Metcalfe
Graves	Morris
Lane	Shivers
Lanning	Stone
Martin	Weinert
Mauritz	

## Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

## Paired

Senator Lovelady (present), who would vote "yea" with Senator Cotten (absent), who would vote "nay."

Senator Vick (present), who would vote "yea" with Senator Winfield (absent), who would vote "nay."

Question recurring on the substitute, yeas and nays were demanded.

The substitute was lost by the following vote:

## Yeas—11

Brownlee	Metcalfe
Graves	Morris
Lane	Shivers
Lanning	Stone
Martin	Weinert
Mauritz	

## Nays—11

Aikin	Moffett
Beck	Moore
Bullock	Ramsey
Chadick	Sulak
Hazlewood	York
Jones	

## Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

## Paired

Senator Lovelady (present), who would vote "nay" with Senator Cotten (absent), who would vote "yea."

Senator Vick (present), who would vote "nay" with Senator Winfield (absent), who would vote "yea."

Senator Lovelady offered the following substitute for the amendment:

Amend H. B. No. 9 by striking out the words and figures "One Million Eight Hundred Twenty-five Thousand (1,825,000) Dollars" where they appear in said bill and inserting in lieu thereof the following "One



Million Nine Hundred Thousand (1,900,000) Dollars."

Yeas and nays were demanded, and the substitute was adopted by the following vote:

Yeas—15

Brownlee	Metcalf
Bullock	Moore
Graves	Morris
Lane	Shivers
Lanning	Stone
Lovelady	Weinert
Martin	York
Mauritz	

Nays—8

Aikin	Jones
Beck	Moffett
Chadick	Ramsey
Hazlewood	Sulak

Absent—Excused

Cotten	Kelley
Fain	Lemens
Formby	Spears

Paired

Senator Vick (present), who would vote "nay" with Senator Winfield (absent), who would vote "yea."

Question then recurring on the amendment as substituted, yeas and nays were demanded.

The amendment as substituted was adopted by the following vote:

Yeas—22

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

Nays—2

Moore	Weinert
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Absent—Excused

Cotten	Lemens
Fain	Spears
Formby	Winfield
Kelley	

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 9 (Committee substitute) by striking out the following words in Section I:

"should payments into the old age assistance fund by virtue of other laws exceed."

And inserting in lieu thereof the words:

"should there exist in the old age assistance fund more than."

And by striking out lines 2, 3, 4, and 5 on page two of the printed bill.

Senator Chadick moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—9

Aikin	Moffett
Bullock	Ramsey
Chadick	Sulak
Hazlewood	York
Jones	

Nays—13

Beck	Metcalf
Brownlee	Moore
Graves	Morris
Lane	Shivers
Lanning	Stone
Martin	Weinert
Mauritz	

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Paired

Senator Lovelady (present), who would vote "yea" with Senator Cotten (absent), who would vote "nay."

Senator Vick (present), who would vote "yea" with Senator Winfield (absent), who would vote "nay."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—12

Brownlee	Metcalf
Graves	Moore
Lane	Morris
Lanning	Shivers
Martin	Stone
Mauritz	Weinert

## Nays—10

Aikin	Jones
Beck	Moffett
Bullock	Ramsey
Chadick	Sulak
Hazlewood	York

## Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

## Paired

Senator Lovelady (present), who would vote "nay" with Senator Cotten (absent), who would vote "yea."

Senator Vick (present), who would vote "nay" with Senator Winfield (absent), who would vote "yea."

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 9 (Committee substitute) by adding thereto a new Section to be known as Section 1a and reading as follows:

"Section 1a. It is hereby declared to be the legislative intent and the law of this State that the actual and existing need of a person is the primary and basic factor to be followed in the payment of assistance."

Senator Chadick raised the point of order that the amendment is not germane to the original purposes of the bill.

The President pro tempore sustained the point of order.

Senator Vick offered the following amendment to the bill:

Amend H. B. No. 9, Lovelady amendment, by changing words and figures from "One Million Nine Hundred Thousand (\$1,900,000) Dollars" to "\$1,950,000" where said words and figures appear therein.

Senator Metcalfe raised a point of order against consideration of the amendment on the ground that it proposes to change matter in the bill which has been inserted therein by an amendment previously agreed to by the Senate.

The President pro tempore sustained the point of order.

The bill (as amended) then was passed to third reading.

## Record of Votes

Senators Moore and Weinert asked to be recorded as voting "nay" on the passage of the bill to third reading.

Committee Substitute House Bill 9  
on Third Reading

Senator Chadick moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—22

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

## Nays—2

Moore	Weinert
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## Absent—Excused

Cotten	Lemens
Fain	Spears
Formby	Winfield
Kelley	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—22

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York

## Nays—2

Moore	Weinert
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## Absent—Excused

Cotten	Lemens
Fain	Spears
Formby	Winfield
Kelley	

### Committee Substitute House Bill 20 on Passage to Third Reading

The President pro tempore laid before the Senate, as the unfinished business, on its passage to third reading (the bill having been read second time on yesterday):

"An Act regulating the practice of chiropractic in Texas; creating an examining board of graduate chiropractors; providing for the appointment and maintenance thereof; providing for an executive secretary and assistants; fixing bond for the executive secretary; outlining qualifications of the chiropractors making up the board; prescribing duties of the board; fixing fees and regulating funds; providing for transfer of certain moneys left as a balance in any fiscal year to the General Fund; defining the science of chiropractic; providing for licensing; providing for license renewal and fee; providing for filing of certified copies of licenses with District Clerks; fixing standards for chiropractic colleges; fixing requirements for examinees and providing exemptions; providing for examination fees; providing for reciprocity and fees; providing for revocation of license after notice and hearing; provided for appeal; providing for action by the Attorney General on application of the board; fixing penalties; repealing all laws in conflict; providing a saving clause; and declaring an emergency."

Question—Shall the bill be passed to third reading?

### Bill and Resolutions Signed

The President pro tempore signed in the presence of the Senate, after giving due notice that he would do so, the following enrolled bills and resolution:

Senate Bills Nos. 44, 150, 223, 268, 7, 255, 121, 93 and 112.

Senate Concurrent Resolution No. 49.

### Adjournment

Senator Metcalfe moved that the Senate adjourn until 10:00 o'clock a. m., Monday, April 26, 1943.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—13

Beck	Bullock
Brownlee	Hazlewood

Lane	Morris
Lanning	Stone
Metcalfe	Weinert
Moffett	York
Moore	

Nays—9

Aikin	Mauritz
Graves	Shivers
Jones	Sulak
Lovelady	Vick
Martin	

Absent

Chadick	Ramsey
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Absent—Excused

Cotten	Lemens
Fain	Spears
Formby	Winfield
Kelley	

The Senate, accordingly, at 4:25 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday April 26, 1943.

### FIFTY-EIGHTH DAY

(Monday, April 26, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalfe
Brownlee	Moffett
Bullock	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### Leaves of Absence Granted

Senator Beck was granted leave of absence for today on account of important business, on motion of Senator Ramsey.